

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CASE NO. 4:19 CR 521
	:	
vs.	:	JUDGE BARKER
	:	
ALBERT AIAD-TOSS	:	MAGISTRATE JUDGE LIMBERT
	:	
Defendant.	:	

DEFENDANT'S MOTION TO CONTINUE AND EXTEND TIME TO FILE

Defendant Albert Aiad-Toss, through undersigned counsel, respectfully moves this Court for an extension of time to file pretrial motions and to continue the pretrial conference scheduled for November 5, 2019 at 9:00 a.m. and the jury trial scheduled for November 12, 2019 at 9:00 a.m. The reasons in support of this Motion are set forth in the following Memorandum.

Respectfully submitted,
Kegler Brown Hill + Ritter LPA

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Counsel for Defendant

MEMORANDUM

Defendant Albert Aiad-Toss (“Defendant”) was indicted by a federal Grand Jury on August 28, 2019. Defendant is charged in Counts One through Four with Sex Trafficking of a Minor and in Count Five with Production of Child Pornography. The counts encompass purported illegal activities over the span of approximately one month. Additionally, the Indictment contains a Forfeiture Count. (Doc. 5). Defendant was arraigned on September 13, 2019. A stipulated protective order was issued on October 16, 2019. (Doc. 25). The Government’s initial discovery materials were provided to undersigned counsel on October 25, 2019.

This case is currently scheduled for a pretrial conference on November 5, 2019 at 9:00 a.m. and a jury trial on November 12, 2019 at 9:00 a.m. Further, the pretrial motion cut-off date was October 22, 2019, prior to undersigned counsel receiving any discovery materials. The Government has informed undersigned counsel that the discovery is estimated to comprise at least one terabyte of data, including significant amounts of mobile phone records and substantial records related to online activity. The initial discovery provided on October 25, 2019 was a total of 772 megabytes of data and provided in a mostly non-native format. Assuming that the total discovery will equal exactly one terabyte of data, the initial discovery disclosure represents 0.077 percent of the total discovery materials. The Government has indicated to undersigned counsel

that the Government is in the process of redacting personal identifying information of minors and suspected minors from the remaining discovery.

Defendant recognizes the requirements of the Speedy Trial Act of 1974, as set forth in 18 USC § 3161, *et seq.* Defendant submits that this Motion to Continue and Extend Time to File is not made for the purpose of delaying a speedy resolution of this case, but rather it is required by the need for undersigned counsel to have time to receive and review all of the discovery materials and provide effective representation for Defendant.

Defendant further submits the factors set forth in 18 USC § 3161 (h)(7)(B)(i) and (B)(iv) are present in this case. Due to the short period of time between the arraignment, the recent receipt of initial discovery, the anticipated receipt of voluminous discovery at some time in the future, and the scheduled trial date, undersigned counsel believe and assert that failure to grant the requested continuance “. . . would be likely to . . . result in a miscarriage of justice.” 18 USC § 3161(h)(7)(B)(i).

Undersigned counsel have exercised, and will continue to exercise, due diligence in the preparation of this case, but in light of the complexity of the prosecution and the anticipated voluminous discovery documents, the current trial schedule would hinder counsel's ability to effectively prepare for trial. 18 USC § 3161(h)(7)(B)(iv). Accordingly, Defendant's Motion to Continue and Extend Time to File is justified under 18 USC § 3161(h)(7)(B)(i) and (B)(iv).

The Government, represented by AUSA Ranya Elzein, AUSA Bridget Brennan, and SAUSA Chris Tunnell, has no objection to this Motion to Continue and Extend Time to File and has no objection to the rescheduling of these dates. While the parties agree the deadline to file pretrial motions should be extended and the pretrial and jury trial dates should be continued, the parties have not yet been able to agree on the length of the continuance. The parties have

attempted in good faith to identify mutually agreeable dates to propose to the Court but now seek the Court's guidance. Undersigned counsel initially requested dates in April of 2020; however, the Government is unavailable, except for the end of April that would lead to the trial continuing into May. The Government requested dates in mid-May of 2020; however, undersigned counsel are unavailable in May. Undersigned counsel suggested proposing June 1, 2020; however, the Government then proposed a trial in February. Undersigned counsel do not believe they will be able to provide Defendant with effective representation if the Court schedules the case for trial in February, especially given the fact that the initial discovery production, while voluminous, only represents less than one-tenth of one percent of the anticipated overall discovery. Counsel for both parties are available to conduct a telephone conference with the Court to address scheduling matters further.

It is respectfully requested this Court continue the pre-trial conference and jury trial currently set in this case, as well as extend the time to file pre-trial motions.

Respectfully submitted,
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Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed with the Clerk of Court for the United States District Court for the Northern District of Ohio using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorneys Ranya Elzein and Bridget Brennan, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113, on October 29, 2019, by electronic mail.

/s/ David H. Thomas
DAVID H. THOMAS

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